

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

APR 06 2016

Clerk, U S District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLY LOUISE NICHOLLS,

Defendant.

CR 16-1-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of passing counterfeit obligations of the United States in violation of 18 U.S.C. § 472 as set forth in Count II of the Indictment. Defendant further admitted to the allegation of forfeiture. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and III of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against her, and an informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charge against her and the consequences of pleading guilty to the charge;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

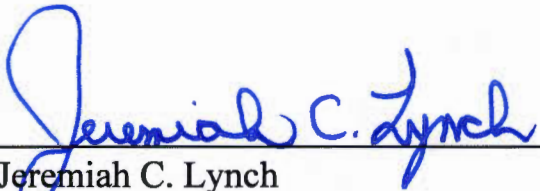
4. That the Defendant fully understands her constitutional rights, and the extent to which she is waiving those rights by pleading guilty to the criminal offense charged against her, and admitting to the allegation of forfeiture;

5. That both her plea of guilty to the criminal offense charged against her and her admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offense charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that she fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty Count II of the Indictment, and that sentence be imposed. I further recommend that Counts I and III of the Indictment be dismissed. I further recommend the agreed forfeiture be imposed against Defendant.

**This report is forwarded with the recommendation that the Court defer
a decision regarding acceptance until the Court has reviewed the Plea
Agreement and the presentence report.**

DATED this 6th day of April, 2016.



Jeremiah C. Lynch
United States Magistrate Judge